

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THOMAS COX, JOHN COX, YULIUS MUSTAFA,  
DODZI AMEMADO, JULIE FEINER, GRETA  
SCHOENEMAN, et al., on their own  
behalf and on behalf of others  
similarly situated,

**MEMORANDUM & ORDER**  
17-CV-5172 (EK) (VMS)

Plaintiffs,

-against-

SPIRIT AIRLINES, INC.,

Defendant.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Vera M. Scanlon's Report and Recommendation (R&R) dated May 6, 2021. ECF No. 141. Judge Scanlon recommends that I grant the Defendant's motion to dismiss plaintiff Heather McGlashan from the case pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, the Court finds no clear error. The Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Heather McGlashan is therefore dismissed

from the action without prejudice to her later participation as the member of a class, in the event one is certified and she qualifies.

SO ORDERED.

/s Eric Komitee

ERIC KOMITEE

United States District Judge

Dated: July 8, 2021  
Brooklyn, New York